

Message Text

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PAGE 01 ALEXAN 00044 01 OF 02 232316Z

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FM USDEL ALEXANDRIA

TO AMCONSUL JERUSALEM FLASH

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S E C R E T SECTION 1 OF 2 USDEL ALEXANDRIA 0044

NODIS CHEROKEE

FOR THE SECRETARY FROM AMBASSADOR

EO 11652: XGDS-3

TAGS: PFOR, EG, US, IS

SUBJECT: MIDDLE EAST NEGOTIATIONS: TEXT OF AGREEMENT

AS REVISED BY FAHMY

REF: ALEXANDRIA 0043

1. FOLLOWING IS TEXT OF THE AGREEMENT BETWEEN EGYPT AND ISRAEL
AS REVISED BY FAHMY, TOGETHER WITH COMMENTARY ON PERT-
INENT CHANGES.

2. QUOTE. THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT AND
THE GOVERNMENT OF ISRAEL:

RESOLVING THAT THE CONFLICT BETWEEN THEM AND IN THE MIDDLE
EAST WILL NOT ULTIMATELY BE RESOLVED BY MILITARY FORCE,
BUT BY PEACEFUL MEANS; UNQUOTE.

(NOTE: IT WILL BE NOTED THIS IS THE REFORMULATION OF
OUR ORIGINAL TEXT WHICH FAHMY DID TWO DAYS AGO (ALEXANDRIA
22) PLUS THE PHRASE "BY PROCLAMATION". WE HAD A LONG
GO-ROUND ON THIS FINAL PHRASE "BUT BY PEACEFUL MEANS". HE
INITIALLY DELETED IT. I SHOWED FAHMY HIS ASWAN FORMULATION
WHICH INCLUDED IT AND TOLD HIM HE WAS GOING BACK ON HIS

SECRET

SECRET

PAGE 02 ALEXAN 00044 01 OF 02 232316Z

COMMITMENT. H FIRST VIGOROUSLY CONTENTED THE PHRASE IS RED-

UNDANT AND THAT AT ASWAN HE HAD "MADE A MISTAKE." I REMINDED HIM THAT, WHATEVER HE MIGHT THINK NOW THE OMISSION OF THAT PHRASE IN THE PRESENT AGREEMENT WILL BE VIEWED BY THE ISRAELIS AND OTHERS AS GOING BACK ON HIS WORD. AFTER TEN MINUTES OF ARGUMENT, HE FINALLY REINSERTED IT.)

QUOTE. RECALLING THAT THE AGREEMENT CONCLUDED BY THE PARTIES JANUARY 18, 1974, WITHIN THE FRAMEWORK OF THE GENEVA PEACE CONFERENCE, CONSTITUTED A FIRST STEP TOWARDS A JOINT AND DURABLE PEACE ACCORDING TO THE PROVISIONS OF SECURITY COUNCIL RESOLUTION 338 OF OCTOBER 12, 1973; AND UNQUOTE.

(NOTE: SAME AS IN OUR VERSION.)

QUOTE. DESIROUS OF REACHING A FINAL AND JUST PEACE SETTLEMENT BY MEANS OF NEGOTIATIONS CALLED FOR BY SECURITY COUNCIL RESOLUTION 338 AND AS A SIGNIFICANT STEP TOWARD THAT END.

HAVE AGREED AS FOLLOWS: UNQUOTE

(NOTE: HE INSISTED ON DELETING ARTICLE I OF OUR DRAFT, ARGUING THAT SUCH A STATEMENT WAS "CHILDISH.) HE CHALLENGED US TO SHOW ANY INTERNATIONAL AGREEMENT WHICH CONTAINS SUCH AN OPERATIVE PARAGRAPH. IT WAS SELF-EVIDENT THAT THE PREAMBLE IS PART OF THE AGREEMENT AND THIS DID NOT HAVE TO BE RESTATED IN THIS FASHION. I TOLD HIM IT WAS A COSMETIC THAT OUGHT NOT TO BOTHER HIM, BUT HE WOULD NOT BUDGE.)

ARTICLE I

QUOTE. THE PARTIES HEREBY UNDERTAKE NOT TO RESORT TO THE USE OF FORCE AGAINST EACH OTHER AS LONG AS THIS AGREEMENT IS VALID. UNQUOTE.

(NOTE: I HAVE INSERTED HERE THE LANGUAGE FAHMY APPROVED TWO DAYS AGO (ALEXANDRIA 10). HOWEVER, IN OUR TALK OF TODAY FAHMY KNOCKED OUT THE ENTIRE ARTICLE AS CONTAINED IN OUR DRAFT. HE INSISTED THAT HE HAD NEVER AGREED TO INCLUDE ANYTHING ABOUT NON-RESORT TO FORCE IN THE AGREEMENT,

SECRET

SECRET

PAGE 03 ALEXAN 00044 01 OF 02 232316Z

BUT ONLY IN A LETTER TO US BASED ON ARTICLE 3 OF HIS ASWAN AGREEMENT. I SHOWED HIM HIS ARTICLE 3 FORMULATION IN HIS PAPER OF MARCH 18, BUT HE INSISTED THAT THAT PAPER HAD NOT BEEN INTENDED AS THE TEXT OF A POSSIBLE AGREEMENT, BUT SIMPLY A SERIES OF PRINCIPLES. I TOLD HIM THAT WE RECOGNIZE IT WAS NOT THE PRECISE TEXT OF AN AGREEMENT, BUT ITS WHOLE WORDING INDICATES THAT HE SAW IT AS A SKELETAL FORM OF A POSSIBLE AGREEMENT. MOREOVER, ONLY TWO DAYS AGO, HE HAD HIM-

SELF REVISED TH PERTINENT LANGUAGE WE HAD GIVEN HIM TO READ

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ALONG THE FOLLOWING LINES. WAS HE NOW GOING BACK ON HIS POINT? THIS STARTLED HIM A BIT, SINCE HE HAD OBVIOUSLY FORGOTTEN WHAT HE HAD DONE. I SHOWED HIM THE ABOVE FORMULATION IN HIS OWN HANDWRITING. HE CONTINUED TO INSIST THIS NON-RE-SORT TO FORCE CONCEPT SHOULD ONLY GO INTO A LETTER TO THE U.S. (AS INDICATED IN HIS ARTICLE 3 OF MARCH), BUT ENDED UP TELLING ME I SHOULD SAY IT IS MY IMPRESSION HE WILL ULTIMATELY ACCEPT IT AS AN APPROPRIATE ARTICLE IN THE AGREEMENT AS WELL AS IN A SEPARATE LETTER,)

ARTICLE II

QUOTE. (1) THE PARTIES RECONFIRM THEIR OBLIGATION PURSUANT TO THE DISENGAGEMENT AGREEMENT OF JANUARY 18, 1974, TO SCRUPULOUSLY OBSERVE THE CEASEFIRE ON LAND, SEA AND AIR AND TO REFRAIN FROM ANY MILITARY OR PARA-MILITARY ACTIONS AGAINST EACH OTHER.

QUOTE. (2) THE PARTIES ALSO CONFIRM THAT THE OBLIGATIONS CONTAINED IN THE ANNEX AND, WHEN CONCLUDED, THE PROTOCOL, SHALL BE AN INTEGRAL PART OF THIS AGREEMENT. UNQUOTE.

(NOTE: THIS IS OUR ARTICLE III. I STRESSED TO FAHMY THAT THIS ARTICLE IS ESSENTIAL AND REQUIRES STRENGTHENING. AS WILL BE NOTED, HE EXCISED THE CLAUSE QUOTE OR BLOCKADES AGAINST EACH OTHE DIRECTLY OR INDIRECTLY. UNQUOTE. HE INSISTED THAT ANY REFERENCE TO BLOCKADES IS IRREVELANT AND UNNECESSARY. I EMPHASIZED THAT THE CLAUSE IS IMPORTANT TO THE ISRAELIS AND SIMPLY INDICATES ANOTHER AREA WHERE THE PARTIES ARE EXPECTED TO AVOID WAR-LIKE ACTS. FAHMY, STRONGLY SUPPORTED BY HIS LEGAL ADVISOR OSMAN, WOULD HAVE NO RPT SECRET

SECRET

PAGE 04 ALEXAN 00044 01 OF 02 232316Z

NO SUCH CLAUSE.)

ARTICLE III

QUOTE. THE NEW LINES WILL BE DRAWN ON THE FOLLOWING BASES:

A) THE ISRAELI FORCES WILL WITHDRAW FROM THEIR PRESENT LINE TO LINE A AS IT WILL APPEAR IN THE INDEX;

B) THE EGYPTIAN FORCES WILL MOVE UP TO LINE B AS IT WILL APPEAR IN THE ANNEX;

C) THE AREA BETWEEN THE EGYPTIAN LINE AND THE ISRAELI LINE WILL BE A ZONE OF DISENGAGEMENT IN WHICH THE UNITED

NATIOLS EMERGENCY FORCE (UNEF) WILL BE STATIONED;

D) THE AREA BETWEEN THE NEW ISRAELI LINE AND LINE C AS SHOWN ON THE ANNEX WILL BE LIMITED IN ARMAMENTS AND FORCES;

E) THE AREA BETWEEN THE NEW EGYPTIAN LINE AND THE SUEZ CANAL WILL BE LIMITED IN ARMAMENTS AND FORCES. UNQUOTE.

(NOTE: FAHMY INSISTED THAT THIS LANGUAGE, BASED ON ARTICLE 2 OF HIS MARCH DRAFT, SHOULD BE INCLUDED WITHIN THE MODIFICATIONS SHOWN ABOVE.)

ARTICLE IV

QUOTE. THE ISRAELI WITHDRAWAL WILL BE IMPLEMENTED IN SUCH A MANNER AS TO INDICATE THE WILLINGNESS OF THE ISRAELIS TO DEMONSTRATE THEIR DESIRE FOR PEACE, NAMELY THAT NO ROADS OR INSTALLATIONS OR EQUIPMENT OF THE OILFIELDS BE DESTROYED OR TRANSFERRED FROM THEIR PRESENT LOCATION EITHER TO ISRAEL OR THE REMAINING OCCUPIED TERRITORIES. UNQUOTE.

(NOTE: EGYPT AGREES THAT THE UNITED NATIONS EMERGENCY FORCE IS ESSENTIAL AND SHALL CONTINUE ITS FUNCTION AND THAT ITS MANDATE SHOULD BE EXTENDED ANNUALLY. UNQUOTE.

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PAGE 05 ALEXAN 00044 01 OF 02 232316Z

(NOTE: INITIALLY, FAHMY HAD CROSSED OUT THE PHRASE, QUOTE IS ESSENTIAL AND UNQUOTE, BUT AFTER MUCH ARGUMENT AGREED TO REINSERT IT. SUBSEQUENTLY, HIS LEGAL ADVISOR OSMAN TALKED TO HIM ABOUT THE PHRASE, QUOTE THE PARTIES UNQUOTE, CAUSING HIM TO KNOCK IT OUT AND SUBSTITUTE THE WORD QUOTE EGYPT UNQUOTE. FAHMY, STRONGLY SUPPORTED BY OSMAN, ARGUED THAT EGYPT CAN PROPERLY SAY THIS, BUT THAT ISRAEL IS THE "AGGRESSOR", IS OCCUPYING EGYPTIAN SINAI, AND THAT IT IS NOT FOR ISRAEL TO AGREE ON UNEF. THERE ARE NO UNEF FORCES IN ISRAEL. IT IS EGYPT, NOT ISRAEL, WHICH DECIDES ON UNEF AND THIS HAD BEEN AMPLY SHOWN IN THE RECENT UNITED NATIONS SECURITY COUNCIL DEBATE ON UNEF. ISRAEL HAD REPEATEDLY BEEN REMINDED BY DELEGATES, HE CLAIMED, THAT THEY WERE TALKING ABOUT EGYPTIAN TERRITORY AND THEREFORE EGYPT MUST DECIDE.

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PAGE 01 ALEXAN 00044 02 OF 02 232241Z

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S E C R E T SECTION 2 OF 2 USDEL ALEXANDRIA 0044

NODIS CHEROKEE

FOR THE SECRETARY FROM AMBASSADOR

ARTICLE VI

QUOTE. THE PARTIES HEREBY ESTABLISH A JOINT COMMISSION TO BE PRESIDED OVER BY THE COMMANDER OF UNEF FOR THE DURATION OF THIS AGREEMENT, INORDER TO CONSIDER ANY PROBLEM ARISING FROM THIS AGREEMENT AND TO ASSIST THE UNEF IN THE EXECUTION OF THIS MANDATE. THE JOINT COMMISSION SHALL FUNCTION IN ACCORDANCE WITH THE PRECEPTS ESTABLISHED IN THE ANNEX. UNQUOTE.

(NOTE: THIS IS OUR ARTICLE V) AS WILL BE SEEN, FAHMY DELETED THE PHRASE, "IN RELATION TO THE UN." IN DOING SO, HE OBSERVED THAT WE HAD ALTERED HIS ORIGINAL LANGUAGE "UNDER THE AUSPICES OF THE UN" (PARA 6, MARCH 75 DRAFT), BUT ARGUED THAT HIS SUBSTITUTED PHRASE IS EVEN BETTER FOR THE ISRAELIS. I POINTED OUT THAT ARTICLE 6 OF HIS MARCH, 1975 DRAFT GIVES TWO OPTIONS, BUT FAHMY INSISTED HIS REVISION SHOULD SUFFICE. HE FINALLY INDICATED THAT HE WOULD BE READY TO INSERT "UNDER THE AUSPICES OF THE UN" AND GO BACK TO HIS ASWAN FORMULATION, IF WE WISH.)

(NOTE: FAHMY ELIMINATED OUR ARTICLE VI ENTIRELY. I REMINDED HIM THAT HE HAD AGREED TO REAFFIRM HIS COMMITMENT ON THE STRAITS OF BAB EL-MANDAB, BUT HE
SECRET

SECRET

PAGE 02 ALEXAN 00044 02 OF 02 232241Z

FIRST INSISTED THAT WE ALREADY HAVE A LETTER TO THAT

EFFECT IN THE FIRST DISENGAGEMENT AGREEMENT. I SAID I KNEW THIS, BUT THE FACT REMAINS THAT HE HAD EARLIER INDICATED A WILLINGNESS TO REAFFIRM IT. HE THEN SAID HE COULD NOT DO IT IN THE AGREEMENT, BUT PERHAPS IN ANOTHER LETTER. HE CLAIMS SADAT IS PARTICULARLY SENSITIVE ON THIS MATTER AT THE PRESENT TIME AND THE PRESIDENT BELIEVES THAT WHAT HE HAD EARLIER SAID SHOULD BE ENOUGH.)

ARTICLE VII

QUOTE. THE DETAILS CONCERNING THE NEW DEMARCATION LINES, THE REDEPLOYMENT OF THE FORCES AND ITS TIMING, THE LIMITATION ON ARMAMENTS AND FORCES, AERIAL RECONNAISSANCE, THE OPERATION OF THE EARLY WARNING AND SURVEILLANCE INSTALLATIONS, THE UN FUNCTIONS AND OTHER ARRANGEMENTS WILL ALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE ANNEX AND MAP WHICH ARE AN INTEGRAL PART OF THIS AGREEMENT AND OF THE PROTOCOL WHICH IS TO RESULT FROM NEGOTIATIONS PURSUANT TO THE ANNEX AND WHICH, WHEN CONCLUDED, SHALL BECOME AN INTEGRAL PART OF THIS AGREEMENT. UNQUOTE.

(NOTE. SAME AS OUR ARTICLE VII)

ARTICLE VIII

QUOTE. (1) THIS AGREEMENT IS REGARDED BY THE PARTIES AS A SIGNIFICANT STEP TOWARD A JUST AND LASTING PEACE. IT IS NOT A FINAL PEACE AGREEMENT. (2) THE PARTIES SHALL CONTINUE THEIR EFFORTS TO NEGOTIATE A FINAL PEACE AGREEMENT WITHIN THE FRAMEWORK OF THE GENEVA CONFERENCE UNQUOTE.

(NOTE: WITH THE EXCEPTION OF THE SUBSTITUTION OF QUOTE THEIR UNQUOTE FOR THE QUOTE DIPLOMATIC UNQUOTE IN THE SECOND PARAGRAPH OF THIS ARTICLE, IT IS OUR ARTICLE VIII. FAHMY ARGUED THAT EFFORTS TO NEGOTIATE A FINAL PEACE NEED NOT RPT NOT BE NECESSARILY LIMITED TO DIPLOMATIC LEVELS.)

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PAGE 03 ALEXAN 00044 02 OF 02 232241Z

ARTICLE IX

QUOTE. NOTHING IN THIS AGREEMENT SHALL PREVENT EGYPT FROM EXERCISING THE RIGHT OF SELF-DEFENSE AS RECOGNIZED IN ARTICLE 51 OF THE UN CHARTER. UNQUOTE.

(NOTE: HERE AGAIN, FAHMY ELIMINATED THE CONCEPT OF BOTH PARTIES HAVING THIS RIGHT. HE INSISTED EGYPT IS

THE AGGRIEVED PARTY, HAS BEEN AGGRESSED UPON, HAS ITS TERRITORY OCCUPIED BY THE ISRAELIS, AND MUST THEREFORE HAVE THE RIGHT OF SELF-DEFENSE. ISRAEL IS NOT RPT NOT THREATENED. I POINTED OUT THAT EGYPT REMAINS IN A STATE OF WAR WITH ISRAEL AND REFUSES NON-BELLIGERENCY. IN THE CIRCUMSTANCES, IT IS PERFECTLY NATURAL FOR ISRAEL ALSO TO SPECIFY IT CAN INVOKE THE RIGHT OF SELF-DEFENSE UNDER ARTICLE 51. FAHMY'S LEGAL ADVISER DENIED THE ISRAELIS EVEN HAVE A LEGAL CASE. FAHMY ACKNOWLEDGED THEY HAVE A LEGAL CASE, BUT AS A PRACTICAL AND POLITICAL MATTER INSISTED THEY ARE NOT THREATENED AND THAT THEY KNOW IT. HE ADAMANTLY REFUSED TO REINSERT THE CONCEPT OF EITHER PARTY.

ARTICLE X

QUOTE. THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE AND REMAIN IN FORCE UNTPL SUPERSEDED BY A NEW AGREEMENT BETWEEN THE PARTIES. UNQUOTE.

(NOTE: SAME AS OUR ARTICLE X).

(NOTE: FAHMY ELIMINATED OUR ARTICLE XI. HE SEES NO RPT NO NEED TO DEPOSIT THIS DISENGAGEMENT AGREEMENT WITH THE UN AND RECALLS THE LAST ONE WAS NOT SO DEPOSITED.)

3. COMMENT: AS INDICATED REFTTEL, THE ABOVE IS THE RESULT OF AN INTENSE TWO AND HALF HOUR SESSION. DESPITE MY URGINGS THAT HE TAKE A MORE CONSTRUCTIVE APPROACH, FAHMY ARGUED THAT THE ABOVE SHOULD SATISFY THE ISRAELIS. I TOLD HIM THAT I WAS SURE IT WOULD NOT AND WE WILL MOST CERTAINLY HAVE TO HAVE FURTHER TALKS ON THE DRAFT. FAHMY SUGGESTED THE WHOLE MATTER BE TURNED OVER TO SADAT AND WE WOULD SEE
SECRET

SECRET

PAGE 04 ALEXAN 00044 02 OF 02 232241Z

THE PRESIDENT'S REACTION TO WHAT WE WERE SUGGESTING. HE PROFESSED TO FIND SOME OF THE ITEMS SO OFFENSIVE THAT HE WOULD NOT EVEN MENTION OUR DRAFT TO SADAT. (SUBSEQUENTLY, HIS CHEF DE CABINET ACKNOWLEDGED, PRIVATELY THAT MORE CONCESSIONS WILL PROBABLY HAVE TO BE GIVEN.) I SUSPECT THERE MAY BE SOME MORE GIVE IN THE EGYPTIAN POSITION, (THOUGH PROBABLY NOT RPT NOT VERY MUCH), BUT FAHMY IS RELUCTANT TO BE THE MAN TO MAKE MORE CONCESSIONS. HE PREFERS TO GET THE PRESIDENT'S READING AND THEN BE GUIDED BY THAT. IN THAT WAY HE ABSOLVES HIMSELF OF PERSONAL RESPONSIBILITY.
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